

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JAMES E. SHIVELY, ET AL. : CIVIL ACTION NO. 07-5734(JHR)
Plaintiff(s), :
v. :
CAESARS ATLANTIC CITY :
Defendant(s), :

CIVIL JUDGMENT

IT APPEARING that an Arbitration Award was filed on October 16, 2008,
and that 30 days have elapsed from the entry of the award without any party demanding a
trial de novo;

IT IS on this 18th day of November, 2008,

ORDERED that in accordance with the Arbitration Award and Local Civil Rule
201.1(g), the Arbitration Award is UNSEALED and JUDGMENT is entered.

BY THE COURT:


JOSEPH H. RODRIGUEZ
UNITED STATES DISTRICT JUDGE

ATTEST:

BY: s/Michelle Stortini, Arbitration Clerk

DNJ-Arb-003

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

James E. Shively and
Marcia Shively
Plaintiff(s)

v.

Caesars Atlantic City
Defendant(s)

2008 OCT 15 A 11: 50
CIVIL ACTION No. 07-5734 (JHR)

ARBITRATION AWARD
PURSUANT TO LOCAL
CIVIL RULE 201.1

FILED

OCT 16 2008

AT 8:30
WILLIAM T. WALSH
CLERK

AND NOW, this 7th Day of OCTOBER, 2008, the undersigned
arbitrator having been duly certified and sworn and having heard the above-captioned civil action
on SEPTEMBER 24, 2008, in the presence of and on notice to Eric G. Zajac, Esquire,
counsel for plaintiffs James E. Shively and Marcia Shively, and Thomas M. Reardon, III,
Esquire, counsel for defendant Caesars Atlantic City,

And the parties having presented such testimony and submitted such pleadings,
discovery, reports and other documents as counsel deemed necessary for the Arbitrator's
consideration;

The Arbitrator does hereby make the following Arbitration Award pursuant to
Local Civil Rule 201.1 in favor of plaintiffs James E. and Marcia Shively (10 % comparatively
negligent), and against defendant Caesars Atlantic City (90% negligent), in the NET amount of
\$13,500.00 as damages for pain and suffering and any and all economic damages.

STATEMENT OF REASONS

Plaintiff James E. Shively fell in a rest room operated and maintained by

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defendant Caesars Atlantic City on July 7, 2007. Defendant breached the duty owed to plaintiff to maintain a safe premises for the use of patrons like Mr. Shively. The signage in the rest room area addressing wet flooring was inadequate to give patrons meaningful notice of the bathroom conditions. Additionally, the flooring where Mr. Shively fell was in an unsafe condition at the time of his accident. Mr. Shively, however, slightly contributed to his fall through inattention to the level of 10% comparative negligence.

Mr. Shively sustained injuries to his lower back, fingers and arm. He received medical care, principally chiropractic, for his back injuries. He has a slight permanent scar on one of his arms. His medical condition has stabilized and he has returned to work and also maintains a regular personal fitness schedule.

The gross award is \$15,000.00; the net award to the plaintiffs is \$13,500.00.



RICHARD M. ORR, ARBITRATOR

NOTICE

This award will become a final judgment of the court, without the right of appeal, unless a party filed with the Court a Demand for a Trial De Novo within (30) days (60 days for all parties in actions in which the United States or any employee or agency thereof is a party) after the entry of the Arbitration Award pursuant to Local Civil Rule 201.1.(h).